

Amendments to Federal Rules of Bankruptcy Procedure and Official Forms Effective December 1, 2003

The Judicial Conference of the United States has approved proposed amendments to the Federal Rules of Bankruptcy Procedure and the Official Bankruptcy Forms. **Barring Congressional action, these amendments will take effect December 1, 2003.**

The most significant of these amendments will implement the Judicial Conference Policy on privacy and public access to electronic court files. That policy is designed to protect the debtor's social security number from being made publicly available through bankruptcy case records that are now easily accessible over the Internet.

Under Amended Rule 1005, debtors are to **list only the last four digits of the social security number on the petition and schedules**. The Notice of Commencement of Case mailed to all parties will include the full social security number, but the Notice of Commencement actually filed in the case will not reflect the full number. A search of the Court's records will not disclose the full social security number. Court staff will be able to confirm a social security number but cannot give the number in response to an inquiry.

To provide the Court with the necessary social security number information to issue the Notice of Commencement, attorneys will be required to provide the debtor's full social security number when opening a case electronically.

Additionally, effective December 1, 2003, debtors will be required to submit, not file, a **Social Security Number Verification Form (known as Form B 21)** when filing a petition. The B21 Form will contain the full social security number signed by the debtor under penalty of perjury. The signature and document retention rules of the ECF Administrative Procedures will apply to this document so that transmission without "/s/" or other evidence of signature is representation that the document has in fact, been signed. The form is to be transmitted to the Court by e-mail as a PDF document. It will not become part of the case record.

- **A sample Social Security Number Verification Form (Form B21) is attached and may be downloaded in word processed format from the Court's website at www.moeb.uscourts.gov.**
- **At the time of filing the petition, attorneys must submit the debtor's Social Security Number Verification Form (Form B21) as a PDF document by e-mail to: B21@moeb.uscourts.gov. Pro se debtors may submit the form in paper format.**
- **The subject line of the e-mail message accompanying the B21 Form should be the Case Number and the Debtor's Last Name (e.g. 03-40028 Smith). The file name also should be the Case Number and the Debtor's Last Name with a .pdf extension. (e.g. 03-40028 Smith.pdf)**

- **If an attorney fails to submit the Social Security Number Verification Form (Form B21) with a properly opened bankruptcy petition, the Court will send a deficiency notice requiring it to be filed in five days of the notice. Failure to file the B21 Form will result in the Court withholding the debtor's discharge and possibly issuing a show cause order.**

Other important amendments to the Federal Rules of Bankruptcy Procedure require debtors to list on the petition all names used in the six years prior to filing, and require corporate debtors to file a verified statement with the petition disclosing corporate ownership.

The following is a summary of the Amendments to the Federal Rules of Bankruptcy Procedure effective December 1, 2003:

- Rule 1005** is amended to require the debtor to list all names used within six years before filing the bankruptcy petition, and to include ONLY the last four digits of the debtor's social security number on the petition. The debtor's complete EIN or Tax I.D. are to be listed.
- Rule 1007** is amended to add paragraph (f) which requires the debtor to submit (not file) a verified statement of the debtor's complete social security number with the petition. This statement does not become a part of the Court record and will not be available to the public through Internet access or by a search of the Court's records. Attorneys will submit the Verified Social Security Number by e-mail to the designated e-mail address. The full social security number will appear on the Notice of Commencement of Case mailed to all creditors.
- Rule 1007** is also amended to require a corporate debtor to file a verified statement with the petition disclosing the debtor's corporate ownership.
- Rule 2002** is amended to require the Clerk of Court to include the debtor's full social security number on the § 341 notice.
- Rule 2003** is amended to reflect the enactment in 2000 of sub-chapter V of Chapter 7 of the Bankruptcy Code (11 U.S.C. § 781 - 784) which made multilateral clearing organizations eligible for bankruptcy relief. The change to Rule 2003 clarifies that a trustee may not be elected at the meeting of creditors in a clearing bank liquidation. Section 782 of the Code provides the Federal Reserve Board is responsible for appointing a trustee in these cases.
- Rule 2009** is amended to implement sub-chapter V of Chapter 7 and clarify that a trustee may not be elected in a jointly administered clearing bank liquidation case.

Rule 2016 is amended to add paragraph (c) to implement the fee disclosure requirements imposed on petition preparers under 11 U.S.C. § 110(h)(1). Petition preparers must file a fee disclosure statement and serve a copy on the United States Trustee. The petition preparer's social security number must appear on documents prepared for filing.

Rule 7007.1 is added to require parties in an adversary proceeding to file a statement that either identifies any entity that owns a 10% or larger interest in the party or states that no such entities exist.

The Following Official Forms are amended: (Official Forms are available through a link on the Court's website under "Official Forms").

Official Form 1 **Voluntary Petition** is amended to require the debtor to disclose only the last four digits of the debtor's social security number.

Official Form 5 **Involuntary Petition** is amended to require the petitioner(s) to list only the last four digits of the alleged debtor's social security number.

Official Form 6 **Schedule D, E, & F** are amended to include instruction that only the last four digits of an account number should be listed. The full number may be provided to creditors and the trustee.

Official Form 6 **Schedule I** is amended to exclude the names of any dependents of the debtor.

Official Form 7 **Statement of Financial Affairs** is amended to require the debtor to disclose only the last four digits of the debtor's social security number and to permit the debtor to list only the last four digits of any account numbers.

Official Form 8 **Statement of Intention** is amended to clarify that a bankruptcy petition preparer must include the preparer's full social security number on this document.

Official Form 9 **Notice of Commencement of Case** is amended to require the copy of the notice placed in the case file to disclose only the last four digits of the debtor's social security number. The copy of the notice transmitted to the debtor, the trustee, the United States Trustee and all creditors will contain the full social security number.

Official Form 10 **Proof of Claim** is amended to permit wage claim creditors to disclose only the last four digits of the creditor's social security number. A trustee can request the full information necessary for tax withholding and

reporting at the time of making distribution.

Official Form 16A **Caption** is amended to include only the last four digits of the debtor's social security number.

Official Form 16C **Caption in Adversary Proceeding** is abrogated.

Official Form 19 **Certification and Signature of Non-attorney Petition Preparer** is amended to clarify that a bankruptcy petition preparer must include the preparer's full social security number on this document.

FORM 21. STATEMENT OF SOCIAL SECURITY NUMBER

[Caption]

STATEMENT OF SOCIAL SECURITY NUMBER(S)

1. Name of Debtor (enter Last, First, Middle):

(Check the appropriate box and, if applicable, provide the required information)

☐ Debtor has a Social Security Number and it is: ____ - ____ - _____
(If more than one, state all)

☐ Debtor does not have a Social Security Number.

1. Name of Joint Debtor (enter Last, First, Middle):

(Check the appropriate box and, if applicable, provide the required information)

☐ Joint Debtor has a Social Security Number and it is: ____ - ____ - _____
(If more than one, state all)

☐ Joint Debtor does not have a Social Security Number.

I declare under penalty of perjury that the foregoing is true and correct.

X _____
Signature of Debtor Date

X _____
Signature of Joint Debtor Date

Joint debtors must provide information for both spouses.

Penalty for making a false statement. Fine of up to \$250,000 or up to 5 years imprisonment or both. 18 U.S.C. § 152 and 3571.